

FEDERAL COMM
Washi

John Karousos, Assistant Chief
Audio Division, Media Bureau
Federal Communications Commission
445 12th St., S.W., Rm. 3-A266
Washington, D.C. 20554
VIA HAND DELIVERY

In the Matter of)

)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Charles Town, West Virginia and)
Stephens City, Virginia))

MB Docket No. 03-12
RM-10627

RECEIVED - FCC

DEC - 5 2003

TO: Assistant Chief, Audio Division
Media Bureau

Federal Communication Commission
Bureau / Office

PETITION FOR RECONSIDERATION

Mid Atlantic Network, Inc., licensee of WINC(AM) and WINC-FM, Winchester, Virginia, pursuant to FCC Rule § 1.429, hereby petitions for reconsideration of the *Report and Order* issued in the captioned proceeding on October 24, 2003 (DA 03-3338), and published in the Federal Register on November 5, 2003, 68 Fed. Reg. 62540. Mid Atlantic Network has standing by virtue of its stations located in the same (Winchester, VA) market where WXVA-FM proposes to relocate.¹

Although Mid Atlantic Network did not participate in the proceeding below, reconsideration is justified under FCC Rule § 1.429(b)(3), in that it is in the public interest for the Commission to reconsider Petitioner's proposal under a *Tuck* analysis, as should have been required.² The Commission did not apply a *Tuck* analysis to this proposal because

¹ Mid Atlantic Network is also the licensee of WWRE(FM), Berryville, VA and WWRT(FM), Strasburg, VA, which are in the same market

² *Faye and Richard Tuck*, 3 F.C.C. Rcd 5374 (1988).

Cleveland Radio Licenses, L.L.C., licensee of WXVA-FM (“WXVA” or “Clear Channel”)³ misrepresented the following to the Commission:

Stephens City is not located within any Urbanized Area, and the 70 dBu signal will not cover any portion of an Urbanized Area. Therefore, this relocation does not implicate the Commission’s policy concerning the potential migration of stations from underserved rural areas to well-served urban areas.

WXVA Pet. for Rule Making (“WXVA Pet.”) ¶ 3. Those statements made by Clear Channel are patently false. As can be seen in Exhibit 1 to this Petition, Winchester *is* an Urbanized Area which includes the entire City of Winchester and the Town of Stephens City, WXVA’s proposed community of license. Furthermore, as can readily be seen in *Exhibit 2* (Figure 5a from WXVA’s Petition for Rule Making), the station’s proposed contour would cover 100% of the Urbanized Area. Accordingly, the Commission should have conducted a *Tuck* analysis on WXVA’s proposal.⁴

Additionally, much of the information presented by Clear Channel to justify the allotment priority for Stephens City was materially incorrect or misleading. Viewed accurately, a majority of the *Tuck* factors support the conclusion that Stephens City is so integrally related to Winchester that it constitutes a “single metropolitan transmission service area” with Winchester. Accordingly, changing WXVA’s community of license from Charles Town to Stephens City does not constitute a “preferred arrangement of allotments for the

³ Cleveland Radio Licenses, LLC is a subsidiary of Clear Channel Broadcasting Licenses, which owns three other radio stations in the Winchester market

⁴ *Tuck, supra*

communities involved.”⁵ Because the Town of Stephens City is interdependent on (and not independent of) Winchester, it is not entitled to a first local transmission service preference.

Clear Channel’s proposal would leave Charles Town with only one licensed radio station, Clear Channel’s co-owned AM facility, WMRE(AM), while Winchester has five licensed radio stations.⁶ As the Commission has stated, “if a suburban station could provide service to the metropolis, and if the suburban community is relatively small, is within the Urbanized Area, and exhibits a high degree of interdependence with the metropolis, we are generally disinclined to grant a first local service preference to the suburban community proposal.”

The Commission requires a *Tuck* analysis when a station proposes to move to a community outside of an Urbanized Area and where the proposed station will provide a 70 dBu signal to 50% or more of the Urbanized Area.⁷ Obviously, where the community of license is itself *within* the Urbanized Area and the station’s proposed 70 dBu contour would cover 100% of the Urbanized Area, a *Tuck* analysis is mandatory.⁸ However, the Commission failed to apply the required *Tuck* analysis to this proposal due to Clear Channel’s material misrepresentation that no Urbanized Area was involved.⁹

In determining whether a proposed community of license is so “integrally related” to the adjacent metropolis, the Commission first looks at the degree to which the proposed

⁵ *Amendment of the Commission’s Rules regarding Modification of FM and TV Authorizations to Specify a New Community of License (Memorandum Opinion and Order)*(“Community of License”), 5 F.C.C. Rcd. 7094 (1990).

⁶ The stations are WINC(AM) and WINC-FM, WFTX(AM), WUSQ-FM and WTRM(FM).

⁷ *Headland, Alabama and Chattahoochee, Florida*, 10 F.C.C. Rcd. 10352 (1995)

⁸ *RKO General, Inc.*, 5 FCC Rcd 3222 (1990).

⁹ *Headland, Alabama and Chattahoochee, Florida*, *supra* ¶ 15.

station would “provide service not only to the suburban community, but also to the adjacent metropolis.”¹⁰ In this case, WXVA’s proposed 70 dBu contour would cover all of the City of Winchester as well as the Town of Stephens City.

The Commission next looks at the “size and proximity of the suburban community relative to the adjacent city, and whether the suburban community is within the Urbanized Area of the city.” *Id.* In this case, the 2000 U.S. Census population of Stephens City is 1146, while the population of Winchester is 23,585.¹¹ Thus, Stephens City has less than five percent (5%) of the population of Winchester. As can be seen in the attached *Exhibit 1*, Stephens City is within the Winchester Urbanized Area.

The Commission then looks at the eight *Tuck* factors. A majority of those factors must demonstrate the proposed suburban community of license is distinct from the Urbanized Area.¹² As demonstrated below, the Town of Stephens City fails this test. The Commission has described the *Tuck* factors as follows:

In assessing the interdependence of the specified community with the central city, we will consider the following characteristics: (1) The extent to which community residents work in the larger metropolitan area, rather than the specified community; (2) Whether the smaller community has its own newspaper or other media that covers the community’s local needs and interests; (3) Whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (4) Whether the specified community has its own local government and elected officials; (5) Whether the smaller community has its own telephone book provided by the local telephone company or zip code; (6) Whether the community has its own commercial establishments, health facilities, and transportation systems; (7) The extent to which the specified community and the central city are part of the same advertising market; and (8) The extent to which the specified community relies on the larger metropolitan

¹⁰ *Parker and Port St Joe, Florida*, 11 F.C.C. Rcd. 1095 ¶ 7 (1995)

¹¹ Source: US Census Bureau, Population, Housing Units, Area, and Density (2000).

¹² *Crisfield, Maryland*, 2003 F.C.C. Lexis 5240 ¶ 11 (Sep. 25, 2003).

area for various municipal services such as police, fire protection, schools, and libraries.

Tuck, supra, 3 F.C.C. Rcd. 5374 ¶ 36 (1988). These factors are analyzed individually below.

1. **The Extent To Which Community Residents Work In The Larger Metropolitan Area, Rather Than The Specified Community:** There is no question that most of the residents in the Town of Stephens City work elsewhere, primarily in Winchester, rather than in Stephens City. *See Declaration of John P. Lewis ("Lewis Decl."),* ¶ 5, attached hereto.

2. **Whether The Smaller Community Has Its Own Newspaper Or Other Media That Covers The Community's Local Needs And Interests:** There is no newspaper or other media specifically covering Stephens City. *Lewis Decl.,* ¶ 6.

3. **Whether Community Leaders And Residents Perceive The Specified Community As Being An Integral Part Of, Or Separate From The Larger Metropolitan Area:** Stephens City is considered an integral part of the Winchester metropolitan area.¹³ *Lewis Decl.,* ¶ 3. *See also* the attached letter from Patrick Coughlin, President and CEO of the Winchester-Frederick County Chamber of Commerce, *Exhibit 3*.

4. **Whether The Specified Community Has Its Own Local Government And Elected Officials:** Stephens City has a Town Administrator and town council. However, the FCC has stated, "an applicant proposing to serve a lesser community within an urbanized area will not be able to establish that community's independence merely by showing the existence of a local government and ancillary municipal services."¹⁴

¹³ The independence of the suburban community is said to be the "most important inquiry" in this analysis. *Anniston and Ashland, Alabama*, 16 FCC Rcd 3411 ¶6 (2001) (Chief, Allocations Branch)

¹⁴ *RKO General, supra*, n.13

5. **Whether The Smaller Community Has Its Own Local Telephone Book Provided By The Local Telephone Company Or Zip Code:** Stephens City does not have its own telephone book, but is included within the Winchester telephone directory. *See Exhibit 4* hereto. While there is a zip code assigned to Stephens City (22655), only one of the routes served by that post office actually serves the Town of Stephens City. All of the remaining routes serve surrounding Frederick County outside of the Town limits. Specifically, only 469 boxes out of 5,500 deliveries made from that Post Office actually serve the Town of Stephens City. *See Letter from Stephens City Postmaster Jennifer Burgess, Exhibit 5* hereto. Thus, the fact that Stephens City has a zip code is not indicative of its status as an independent community.

6. **Whether The Community Has Its Own Commercial Establishments, Health Facilities And Transportation Systems:** There is no transportation system serving the Town of Stephens City. There is also no hospital or other health facilities located there. *Lewis Decl.* ¶ 8. Although there are a few commercial establishments located in the Town, there are far fewer establishments than alleged by WXVA to be within the Town of Stephens City. Rather, most of the entities specified are actually located in Frederick County *outside* of the Town limits. *See Lewis Decl.* ¶ 17.

Furthermore, none of the “numerous dining and hotel establishments” said by WXVA to be located there are within Town limits. Neither are any of the “banking services” alleged to be there. Similarly, none of the “recreational activities” alleged to be there are located within Town limits. Some of the establishments alleged by WXVA to be within Town limits no longer exist, such as J&M Market, Computer Solutions and First Virginia Bank. *See Lewis Decl.*, ¶ 17. None of the medical services or other health facilities alleged to be within the

Town limits in paragraph 7 of the WXVA Petition is located there either. Thus, paragraphs 6 and 7 of that petition are substantially false and highly misleading regarding the nature and extent of commercial establishments and health facilities within the Town of Stephens City.¹⁵

7. **The Extent To Which The Specified Community And The Central City Are Part Of The Same Advertising Market:** There is no question that Stephens City is part of the Winchester advertising market, especially since there are no media outlets specifically serving Stephens City. *Lewis Decl.*, ¶¶ 6 and 10. Indeed, WXVA did not allege that there are any local media serving Stephens City.

8. **The Extent To Which The Specified Community Relies On The Larger Metropolitan Area For Various Municipal Services Such As Police, Fire Protection, Schools And Libraries:** The Town of Stephens City relies heavily on Winchester for all of the foregoing services. The Town has only three part-time police officers while the balance of police protection is provided by the Frederick County Sheriff's Department. *Lewis Decl.*, ¶ 14. There is a Volunteer Fire Department in Stephens City, but the only paid full-time firefighters and most of the operating budget come from Frederick County. *Lewis Decl.*, ¶ 15.

There are no public schools in Stephens City. All public education is provided by Frederick County. *Lewis Decl.*, ¶ 11. This is another area in which Clear Channel provided false and misleading information. In paragraph 7 of WXVA's Petition, Clear Channel cites four schools allegedly located in Stephens City. In fact, *none* of those facilities is located within Town limits. *Lewis Decl.*, ¶ 17. Similarly, there is no library within the Town of Stephens City. The nearest libraries are outside of Town limits and operated by the City of

¹⁵ The highly unreliable Yahoo Yellow Pages search proffered by WXVA includes not only closed businesses, but any that have a Stephens City address because they are served by the Stephens City Post Office. As previously explained, however, most of the businesses (and residences) with a Stephens City address are not within the Town limits of Stephens City. See *Lewis Decl.*, ¶ 17.

Winchester and Frederick County. *Lewis Decl.*, ¶ 13. Again, Clear Channel gave false information, alleging that the Bowman Library is “a public library located in Stephens City.” WXVA Pet. ¶ 7. The Bowman Library is not located within Town limits. *Lewis Decl.*, ¶ 17. Thus, *there are no schools or libraries within the Town of Stephens City* and the Town relies heavily on the City of Winchester and surrounding Frederick County for its police and fire protection.

In summary, only *Tuck* factor 4 can be said to favor treatment of Stephens City as an independent community, and the FCC has specifically discounted the importance of that factor.¹⁶ While Stephens City has its own zip code, the post office located there primarily serves residents outside of the Town. It also has very few commercial establishments and no health facilities or transportation systems. Although Stephens City does have some police and fire protection, it “relies on the larger metropolitan area” for the bulk of those services and has no schools or libraries. Thus, factor 8 also weighs against WXVA. Even if it were viewed in WXVA’s favor, however, that would not give it the “majority” of factors needed to establish its independence from the larger metropolitan area. Most of the factors cannot even arguably be said to favor WXVA’s position.

Thus, applying the *Tuck* factors, as the Commission should have done in the first place, Stephens City is not deserving of the allotment priority accorded it in the captioned *Report and Order*, relying on the false and misleading information provided by Clear Channel, especially its misrepresentation that this is not an Urbanized Area.

When Clear Channel proposed to buy this station in 2000, Mid Atlantic Network filed a Petition to Deny based on the antitrust implications of the transaction. *See FCC File No. BALH-20001116ABK*. Specifically, Mid Atlantic advised the Commission that Clear

¹⁶ *RKO General, supra* n 13

Channel's proposed purchase of this station posed a serious threat to competition in the Winchester market since Clear Channel already owned three stations in that market prior to its purchase of WXVA and co-owned WMRE(AM) in Charles Town. At that time, Mid Atlantic told the Commission:

Clear Channel apparently has plans to move WXVA into the Winchester market, thus increasing its market dominance. Allowing the station to be assigned to Clear Channel would only exacerbate an already anti-competitive market.

Mid Atlantic Pet. to Deny at 3. In response, Clear Channel told the Commission that "Mid Atlantic's Petition is chock-full of hearsay and speculation and completely devoid of substantive facts that would establish a *prima facie* case." Indeed, Clear Channel's Opposition to Petition to Deny in that proceeding generally belittled Mid Atlantic Network for advising the Commission of Clear Channel's intention to move WXVA into the Winchester market. On February 16, 2001, the Commission denied Mid Atlantic's Petition to Deny and granted Clear Channel's assignment application for WMRE and WXVA, stating that "Mid Atlantic's allegations are insufficient to warrant further inquiry." Just over one year later, on April 5, 2002, Clear Channel filed the subject Petition for Rule Making proposing to move WXVA from Charles Town into the Winchester market, exactly as Mid Atlantic had predicted.

Mid Atlantic hopes that the Commission will see through the charade of Clear Channel's proposal to serve a suburb of the Winchester Urbanized Area that is itself within that Urbanized Area and realize that this has been part of Clear Channel's master plan all along. Indeed, an online web site that reports on the Washington, D.C./Baltimore area radio TV market, DCRTV.com, reports that "WXVA, which is hiking its power and moving its transmitter closer to Winchester, operates out of [Clear Channel's] Winchester's radio cluster

studio complex, which hosts the top-rated country sounds of WUSQ (102.5 FM)" See *Exhibit 6*.

We urge the Commission to reconsider its decision in this rule making proceeding in view of the incorrect facts on which the original decision relied and to recognize that the public interest highly favors denial of WXVA's Petition. In essence, WXVA's Petition would, as asserted by Mid Atlantic Network back in 2000, greatly reduce competition in the Winchester market, while leaving Charles Town with only one weak AM station.

Respectfully submitted,

MID ATLANTIC NETWORK, INC.

By: 
David M. Silverman

COLE, RAYWID & BRAVERMAN, L.L.P.
1919 Pennsylvania Ave., N.W.
Suite 200
Washington, D.C. 20006
(202) 659-9750

Its Attorneys

December 5, 2003

DECLARATION OF JOHN P. LEWIS

I, John P. Lewis, hereby declare as follows:

1) I am President and a director of Mid Atlantic Network, Inc., licensee of WINC(AM) and WINC-FM in Winchester, Virginia. I have also lived in the Winchester area my entire life.

2) I have read the foregoing Petition to Deny and all of the facts stated therein are true and correct to the best of my knowledge, information and belief. Additionally, the following facts apply to the Town of Stephens City and the Winchester, Virginia area, gleaned from personal knowledge as well as information supplied to me by Town Administrator Michael Kehoe and Police Chief Gill Barrington:

3) **Urbanized Area:** Winchester is considered an “urbanized area” by the Census Bureau. The Town of Stephens City is within the Winchester urbanized area. The Town belongs to the Winchester-Frederick County Metropolitan Planning Organization and clearly is viewed as an integral part of the Winchester metropolitan area.

4) **VDOT:** Based on the 2000 census data, the Virginia Dept. of Transportation has designated the Town of Stephens City as part of the Winchester metropolitan area.

5) **Employment:** Most of the employed residents of the Town of Stephens City work outside of the Town, generally in Winchester.

6) **Local Media:** There is no newspaper or other media outlet located in the Town of Stephens City. Cable television service within the Town is provided by Adelphia Communications in Winchester.

7) **Telephone Book:** The Town of Stephens City does not have its own telephone book. Rather, it is included within the Winchester phone book published by Verizon.

8) **Health Facilities:** There are no hospitals or other health facilities in the Town of Stephens City. Anyone who needs hospitalization would have to go elsewhere.

9) **Transportation:** There is no public transportation in the Town of Stephens City.

10) **Advertising Market:** The Town of Stephens City is considered part of the Winchester advertising market.

11) **Schools:** The Town of Stephens City operates no public schools. All public education is provided by Frederick County.

12) **Courts:** The Town of Stephens City has no municipal courts. Court services are provided by Frederick County.

13) **Library:** There is no public library in the Town of Stephens City. The nearest libraries are outside of the Town and operated by the city of Winchester and Frederick County.

14) **Police:** The Town of Stephens City has only three police officers who do not provide full time coverage to the Town. The Frederick County Sheriff's Department provides the balance of the police protection

15) **Fire.** Although Stephens City has a volunteer fire department, Frederick County provides full-time paid firefighters, and most of the operating budget for the fire station. The fire department serves surrounding Frederick County, and not just the Town of Stephens City.

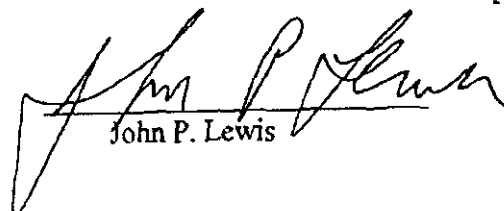
16) **Water and Sewer:** Stephens City purchases water from the Frederick County Sanitation Authority. Waste water is treated at a treatment plant operated by the Frederick County Sanitation Authority, and owned by the Frederick/Winchester Service Authority.

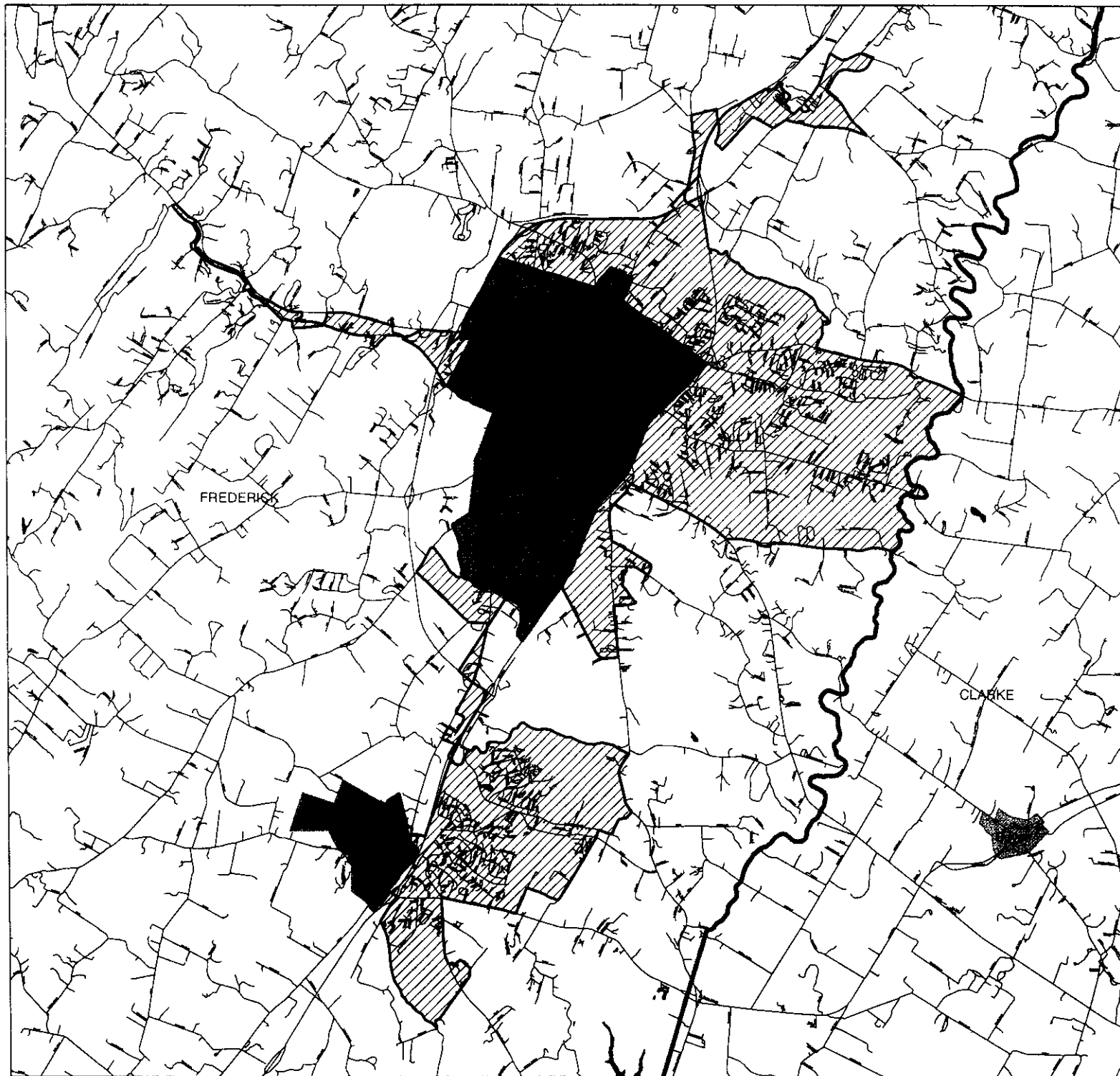
Declaration of John P. Lewis
Page -3-

17) The following entities alleged by WXVA to be in Stephens City are **not** within the Town limits of Stephens City:

Classic Transit Co.
Stephens City Car Wash
Miracle Web Productions (no longer exists)
Veterans Texaco
J&M Market (no longer exists)
Rinker Orchard, Inc.
Computer Solutions (no longer exists)
Family Drive-In Theatre
Stephensburg Cab Co.
Miller Hardware and Supply
The Inn at Vacluse Spring
Lily Gardens Restaurant
New Town Tavern
Comfort Inn
Holiday Inn
Bank of Clarke County
F&M Bank (named changed to BB&T)
First Virginia Bank (no longer exists)
The Appleland Raceway Park
Appleland Sports Center
Bass-Hoover Elementary School
Robert E. Aylor Middle School
Sherando High School
Stephens City Annex School (houses Apple County Head Start)
Agape Kings Kids Day Care
The Bowman Library
Veterans Affairs Clinic
Bon Air Home for Elderly
Stephens City Out-Patient Clinic
The Virginia Autism Resource Center
Stephens City Animal Hospital and Veterinary Clinic
Stephens City Mennonite Church
Sherando Presbyterian Church

I hereby declare under penalty of perjury that the foregoing is true and correct. Dated
this 4th day of December 2003.


John P. Lewis



Winchester, Virginia Urbanized Area

Storm Water
Entities as Defined
by the 2000 Census

2000 Census Urbanized Areas

 Winchester, VA

 Municipal Boundaries

 County Boundaries

 Major Waterbodies

 Roads

SOURCE
US Census Bureau TIGER data, 2000 Census

PROJECTION
State Plane Coordinate System Virginia North
Horizontal Datum NAD83

MAP DESIGN
October 2, 2002

0 0.5 1
Miles

0 0.5 1
Kilometers

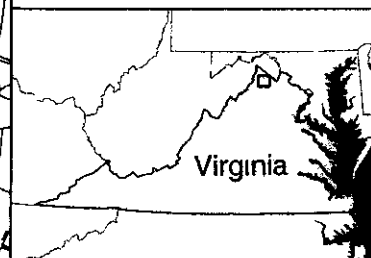
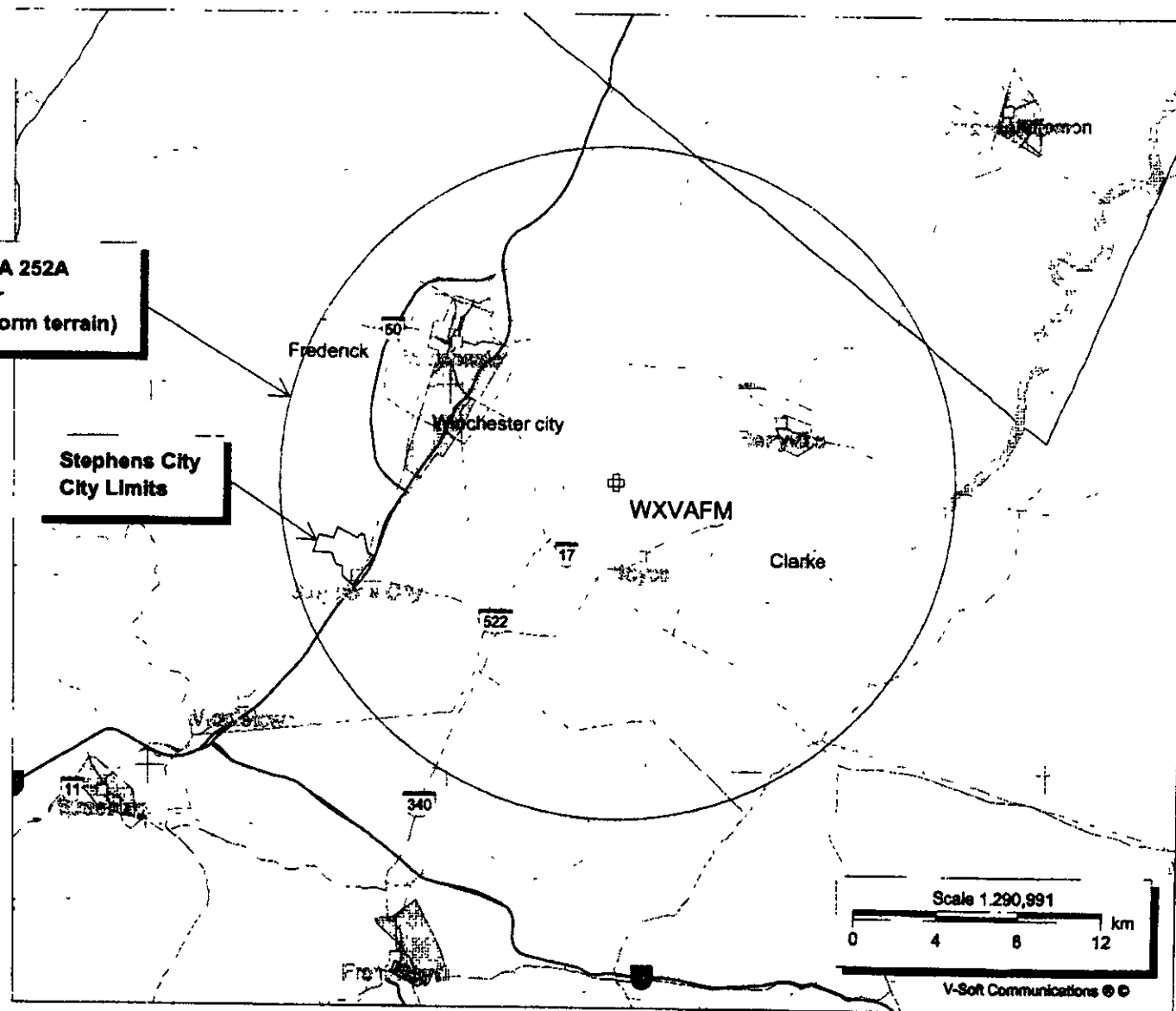


Figure 5A:
70 dbu service to
Stephens City, VA

Proposed WXVA 252A
70 dbu Contour
(assuming uniform terrain)

Stephens City
City Limits





WINCHESTER-FREDERICK COUNTY

Chamber of Commerce

Your Business Partner

November 19, 2003

John P. Lewis
WINC – FM
P.O. Box 3300
Winchester, VA 22604

Dear John,

It was great to speak with you on Monday. I appreciate you taking time to introduce yourself and make me feel welcome in the Winchester Community.

I wanted to confirm for you our conversation regarding the Winchester-Frederick County market area. Although Winchester is the major commercial, industrial, and residential hub of the county, the market is much larger than the city limits. All of Frederick County is closely tied together. Stephen City in particular is very closely affiliated with the Winchester market. It acts much the same ways as a contiguous suburb would in a larger metropolitan area.

I wish you continued success in the region. I look forward to furthering the cooperative relationship between WINC-FM and the Chamber.

Sincerely,

Patrick J. Coughlin
President/CEO

verizon

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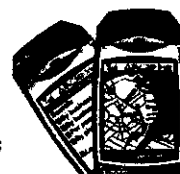
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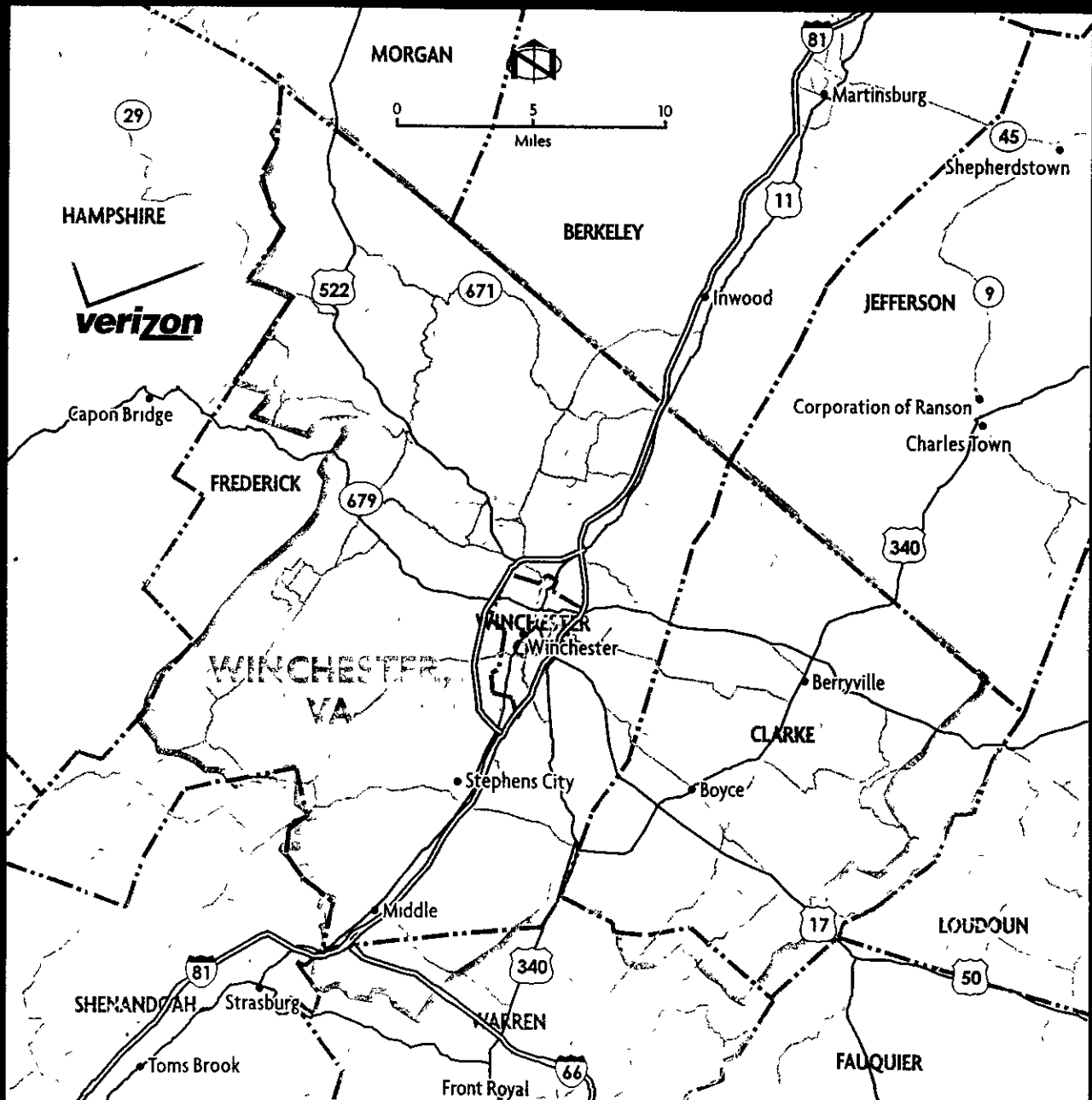
YOUR NON-EMERGENCY NUMBERS**NOTES****AMBULANCE****FIRE****POLICE****DIRECTORY COVERAGE AREA**

EXHIBIT 5



November 6, 2003

Mr. John Lewis
P O. Box 3300
Winchester VA 22604

Dear Mr. Lewis,

This letter is in response to your inquiry about the Stephens City zip code area.

Our routes serve the Town of Stephens City, Frederick and Warren counties. We have nine rural routes with a total of 5500 deliveries on the routes. Only one of our routes carries the mail in the town limits of Stephens City. There are 669 boxes on that route. Approximately 200 of those boxes are in Frederick County. The other boxes are located in the Town of Stephens City. If you need any other information you can contact me at 540-868-2783.

Sincerely,

A handwritten signature in cursive script that reads "Burgess".

Jennifer Burgess
Postmaster
Stephens City VA 22655-9998

TV news race. However, Channel 5/WTTG's fortunes are looking upward at 5 PM, with Channel 9/WUSA showing some strength at 11 PM. Channel 7/ WJLA has yet to see any significant improvement with new anchor Leon Harris. In the early morning news war, 4 leads, with 9 in 2nd, 5 in 3rd, and 7 in 4th. At 5 PM, 4 takes 1st, with 7 in 2nd, 5 jumping to 3rd, and 9 falling to 4th. At 6 PM, 4 wins again, with 5's "The Simpsons" in 2nd, 9 in 3rd, and 7 in 4th. At 7 PM, 4's "NBC News" is 1st, with 9's new local newscast in 4th. At 11 PM, 4 leads, with 9 jumping to 2nd. Details in the DC Times.....

7 Bounces Charlie Brown - 11/26 - Channel 7/WJLA comes up as a "loser" in Lisa de Moraes' Wednesday TV column in the Post: "Our ABC affiliate saw fit to preempt the network's Sunday evening telecasts of the family classics 'A Charlie Brown Thanksgiving' and 'A Winnie the Pooh Thanksgiving' to air a locally produced walk-up show to the Redskins game, during which we learned that: a) the Redskins stink; and b) they will lose. In the rest of the country, where ABC stations are overseen by kinder, gentler people, the two animated classics scored the highest children's ratings since Charlie Brown moved to ABC".....

Pat & Bill Get Yanked - 11/25 - Associated Press reports that MSNBC has pulled the plug on DC-based talkers Pat Buchanan and Bill Press.....

New Post XMAS Format for XVA? - 11/25 - Clear Channel's "Xtra Country" WXVA (98.3 FM), which is licensed to Charles Town WV, has gone all-Christmas. But there's speculation that when 12/26 rolls around, the country format may not be returning. Perhaps rhythmic contemporary, instead. WXVA, which is hiking its power and moving its transmitter closer to Winchester, operates out of CC's Winchester's radio cluster studio complex, which hosts the top-rated country sounds of WUSQ (102.5 FM).....

Great Scott Sold? - 11/25 - We're hearing that Great Scott Broadcasting has been sold. Details are sketchy at the moment. The Delaware-based company owns a bunch of radio stations on the Eastern Shore including WKHI, WJNE, WZBH, WGBG, WOCQ, WZEB, and WKDB. More as we hear it.....

R&F To 105.7? - 11/25 - DCRTV hears that Tom Leykis's days are numbered on Baltimore's Live 105.7. Look for something else to replace the nationally syndicated talker in the 7 PM to 11 PM slot on WXYV, an Infinity-owned talker. Our wild guess - Ron and Fez, who air in the same time slot on DC talk sister WJFK-FM. Hmmm.....

Berry Heads WABA - 11/25 - Chris Berry, general manager of ABC talker WMAL, has been elected chair of the Washington Area Broadcasters Association. Other board members include: Clear Channel's Bennett Zier, Howard U's Jim Watkins, Infinity's Michael Hughes, Bonneville's Joel Oxley, ABC's Jim Robinson, and Tribune's Jerry Martin.....

Baltimore Doesn't Have DC's "Standards" - 11/25 - Does Baltimore have different "community standards" from DC and NYC? According to Bill Pasha, Infinity's president of radio programming for Baltimore, the answer is yes. In a recent e-mail to a Live 105.7 listener, he says that fare like DC's Don and Mike and NYC's Howard Stern "are syndicated and their rules are regulated by their syndication companies, not our

Radios TVs

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Search DCR
DCRTV Stc
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Dave's Wav
Daveland
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1057

CERTIFICATE OF SERVICE

I, Sharon K. Mathis, a secretary with the law firm of Cole, Raywid & Braverman, L.L.P., do hereby certify that copies of the foregoing "Petition for Reconsideration" were sent via first class, postage prepaid, United States mail, this 5th day of December, 2003 to the following:

- * John Karousos, Assistant Chief
Audio Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W., Rm. 3-A266
Washington, D.C. 20554

Mark N. Lipp
J. Thomas Nolan
Vinson & Elkins, L.L.P.
The Willard Office Building
1455 Pennsylvania Ave., N.W.
Washington, D.C. 20004-1008
*Counsel for Clear Channel Broadcasting
Licenses, Inc.*


Sharon K. Mathis

* Via Hand Delivery.